

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,
Petitioner,

V.

JOHN E. WETZEL, Secretary, :
 Pennsylvania Department of Corrections; :
 ROBERT GILMORE, Superintendent of :
 the State Correctional Institution at Greene; :
 and MARK GARMAN, Superintendent of :
 the State Correctional Institution at :
 Rockview, :
 Respondents. :

No. 1:17-CV-1969

(Chief Judge Conner)

THIS IS A CAPITAL CASE

STATEMENT OF CONCURRENCE/NONCONCURRENCE

AND NOW comes Charles Ray Hicks, through counsel, and, pursuant to Rule 7.1 of the Local Rules of the United States District Court for the Middle District of Pennsylvania, respectfully certifies that counsel contacted District Attorney E. David Christine, counsel for Respondents, and Theron Perez, Chief Counsel, counsel for the Department of Corrections, via electronic mail on November 5, 2018, seeking concurrence in this motion. Mr. Perez indicated that the Department of Corrections does not concur in this motion. Mr. Christine has not yet responded. Once counsel does, Petitioner will file an amended concurrence statement.

Respectfully submitted,

s/Kelly D. Miller

KELLY D. MILLER, ESQUIRE

Asst. Federal Public Defender

Federal Public Defender for the
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Capital Habeas Unit

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(kelly_miller@fd.org)

Dated: November 6, 2018

CERTIFICATE OF SERVICE

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

VIA FIRST-CLASS MAIL & EMAIL

E. David Christine, Jr.
District Attorney
Monroe County District Attorney's Office
610 Monroe Street, Suite 126
Stroudsburg, PA 18360
dchristine@monroecountypa.gov

VIA HAND DELIVERY

Theron R. Perez
Chief Counsel
Department of Corrections, Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050

/s/ KELLY D. MILLER
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Dated: November 6, 2018